



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Re: Appeal to the Board of Patent Appeals and Interferences

Inventor: Donald J. McMichael, et al.
Serial No.: 10/085,637
Filed: February 28, 2003
Confirmation No.: 5368
For: Surgical Kit with Accessory Item Container
Sir:

Group Art Unit: 3728
Examiner: Luan Kim Bui
Our Customer ID: 22827
Our Account No.: 04-1403
Attorney Ref.: KCX-518A (17507A)

1. ☒ **NOTICE OF APPEAL:** Pursuant to 37 CFR 1.191, Applicant hereby appeals to the Board of Appeals from the decision dated April 27, 2004 of the Examiner finally rejecting claims 1-23, 25, and 26.
2. ☐ **BRIEF** on appeal in this application pursuant to 37 CFR 1.192 is transmitted herewith in triplicate.
3. ☐ An **ORAL HEARING** is respectfully requested under 37 CFR 1.194 (due within one month after Examiner's Answer).
4. ☐ Reply Brief under 37 CFR 1.193(b) is transmitted herewith in triplicate.
5. ☐ "Small entity" verified statement filed: ☐ herewith ☐ previously.

6. **FEE CALCULATION:**

If box 1 above is X'd enter \$330.00

Fees

\$ 330.00

If box 2 above is X'd enter \$330.00

\$.00

If box 3 above is X'd enter \$290.00

\$.00

If box 4 above is X'd enter -0- (no fee)

\$.00

Petition is hereby made to extend the original due date of

July 27, 2004 to cover the date of this paper and

any enclosure for which the requisite fee is (1 month \$110);

(2 months \$420); (3 months \$950); (4 months \$1,480).

\$ 110.00

Subtotal \$ 440.00

Less any previous extension fee paid since above original due date.

- \$.00

Subtotal \$ 440.00

If "small entity" box 5 above is X'd, enter one-half (1/2 of subtotal and subtract)

- \$.00

TOTAL FEE \$ 440.00

- ☒ Fee enclosed.
- ☐ Charge fee to our Deposit Account/Order Nos. in the heading hereof (for which purpose one additional copy of this sheet is attached)
- ☐ Fee **NOT** required since paid in prior appeal in which the Board of Appeals did not render a decision on the merits.

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. show in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

ADDRESS:

Post Office Box 1449
Greenville, SC 29602 USA
Telephone: 864-271-1592
Facsimile: 864-233-7342

DORITY & MANNING, P.A.

By: Neal P. Pierotti Reg. No.: 45,716

Signature: Neal P. Pierotti

Date: August 19, 2004

I hereby certify that this correspondence and any referenced attachment and fee are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Post Office Box 1450, Alexandria, VA 22313-1450, on August 19, 2004.

Denise Bulkeley

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

EV377257920US

08/23/2004 EAREGAY1 00000056 10085637

01 FC:1401
02 FC:1251

330.00 OP
110.00 OP